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**29 CFR Subtitle A (7–1–04 Edition)**

directly to an alternate recipient. In such case, the Secretary will require any alternate recipient to demonstrate:

- (1) The ability to comply with these regulations; and
- (2) The ability to achieve the goals of the nondiscrimination and equal opportunity provisions of JTPA.

**PART 35—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR**

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APPENDIX A TO PART 35—AGE DISTINCTIONS IN STATUTES AFFECTING FEDERAL FINANCIAL ASSISTANCE ADMINISTERED BY DOL

AUTHORITY: 42 U.S.C. 6101 *et seq.*; 45 CFR Part 90.

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**Subpart A—General**

**§35.1 What is the purpose of the Department of Labor (DOL) age discrimination regulations?**

The purpose of this part is to set out the DOL rules for implementing the Age Discrimination Act of 1975, as amended. The Act prohibits discrimination on the basis of age by recipients of Federal financial assistance and in federally assisted programs or activities, but permits the use of certain age distinctions and factors other than age that meet the requirements of the Act and this part.

**§35.2 To what programs or activities do these regulations apply?**

(a) *Application.* This part applies to any program or activity that receives Federal financial assistance, directly or indirectly, from DOL.

(b) *Limitation of application.* This part does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body that:

- (i) Provides persons with any benefits or assistance based on age; or
- (ii) Establishes criteria for participation in age-related terms; or
- (iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor